



UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

TE J PAUL Rupnarine)
Plaintiff(s))
vs.)
CHRIS Scaccia - Sergeant (Schenectady P.D.))
Brian S. Gray, Esq. (Schenectady D.A.'s office))
Mark J. Sacco (Attorney) Defendant(s))

INMATE
CIVIL RIGHTS
COMPLAINT PURSUANT
PURSUANT TO
42 U.S.C. § 1983

Case No. 9: CV _____

16-16-W-233

Plaintiff(s) demand(s) a trial by: JURY COURT (Select only one).

Plaintiff(s) in the above-captioned action, allege(s) as follows:

JURISDICTION

1. This is a civil action seeking relief and/or damages to defend and protect the rights guaranteed by the Constitution of the United States. This action is brought pursuant to 42 U.S.C. § 1983. The Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1343(3) and (4) and 2201.

PARTIES

2. Plaintiff: TejPaul Rupnarine 13A5394

Address: Franklin Correctional Facility
62 Barehill Road
P.O. Box 10
Malone, NY 12953

Additional Plaintiffs may be added on a separate sheet of paper.

3. a. Defendant: Sergeant Chris Scaccia

Official Position: Schenectady County Police Sergeant

Address: Schenectady, NY 12309

b. Defendant: Brian S. Gray, Esq (office of Robert M. Carney)
Schenectady District Attorney
Official Position: Assistant District Attorney
Address: 612 State Street
Judicial Building
Schenectady, New York 12305

c. Defendant: Mark J. Sacco
Official Position: Attorney - at - Law
Address: 38 North Ferry
Schenectady, NY 12308

Additional Defendants may be added on a separate sheet of paper.

4. PLACE OF PRESENT CONFINEMENT

a. Is there a prisoner grievance procedure at this facility?

Yes No

b. If your answer to 4a is YES, did you present the facts relating to your complaint in this grievance program?

Yes No

If your answer to 4b is YES,

(i) What steps did you take? N/A

(ii) What was the final result of your grievance? N/A

If your answer to 4b is NO - why did you choose to not present the facts relating to your complaint in the prison's grievance program? Grievance does not cover judicial matters

c. If there is no grievance procedure in your institution, did you complain to prison authorities about the facts alleged in your complaint?

Yes No

If your answer to 4c is YES,

(i) What steps did you take? _____

(ii) What was the final result regarding your complaint? _____

If your answer to 4c is NO - why did you choose to not complain about the facts relating to your complaint in such prison? _____

5. PREVIOUS LAWSUITS

a. Have you ever filed any other lawsuits in any state and federal court relating to your imprisonment?

Yes No

b. If your answer to 5a is YES you must describe any and all lawsuits, currently pending or closed, in the space provided below.

For EACH lawsuit, provide the following information:

i. Parties to previous lawsuit:

Plaintiff(s): _____

Defendant(s): _____

ii. Court (if federal court, name District; if state court, name County): _____

iii. Docket number: _____

iv. Name of Judge to whom case was assigned: _____

v. Disposition (dismissed? on appeal? currently pending?): _____

vi. Approximate date of filing prior lawsuit: _____

vii. Approximate date of disposition: _____

6.

FACTS

Set forth the facts of your case which substantiate your claim of violation of your civil and/or Constitutional rights. List the events in the order they happened, naming defendants involved, dates and places.

Note: You must include allegations of wrongful conduct as to EACH and EVERY defendant in your complaint. (You may use additional sheets as necessary).

When I was arrested on what clearly could have been a disorderly conduct/ Domestic/ Harrassment, Schenectady County Police Sergeant Chriss Scaccio embellished the charge to a Robbery. In addition, the Schenectady County ADA Brian S. Gray from the office of Robert M. Carney D.A shifted the burden of proof to Plaintiff by offering his personal opinion. Clear misconduct on his part. Further more, when I retained Attorney Mark J. Sacco, he took the retainer and only visited me once and never offered any type of representation.

7.

CAUSES OF ACTION

Note: You must clearly state each cause of action you assert in this lawsuit.

FIRST CAUSE OF ACTION

Schenectady P.D (Sergeant Christopher Scaccias' arrest of Plaintiff and mislabeling of the appropriate charge. The charge should have been at least a Disorderly Conduct and possibly an harassment. Both misdemeaners. Clearly a violation of plaintiffs due process and civil rights.

SECOND CAUSE OF ACTION

Brian S. Gray A.DA from District Attorney (Schenectady) Robert M. Carney's office. Evidence at trial was legally insufficient to support the Jurys' Conclusion that the Plaintiff did Forcibly Steal Property, and in the Course of the Commission of the Crime or of Immediate Flight therefrom, he caused physical injury to the victim. Prosecutor's misconduct at trial deprived defendant of a fair trial, when he during his summation, shifted the burden of Proof to plaintiff by offering his person opinion.

780 N.Y.S 2d 384, 8 A.D 898, People v. Levandowski, (N.Y.A.D 3 Dept 2004)
People v. Blatte, 63 AD3d 1281, 1262-1293 (3rd Dept 2009)

THIRD CAUSE OF ACTION

Mark J. Sacco (Attorney at Law) 38 North Ferry st, Schenectady, NY 12308 took Plaintiff's Retainer of \$3,000 and \$2,000 worth of Home Construction and provided no Legal representation. Mark J. Sacco made one or two appearances on behalf of plaintiff. Plaintiff was eventually forced to retain another Attorney.

8. PRAYER FOR RELIEF

WHEREFORE, plaintiff(s) request(s) that this Court grant the following relief:

For violation of Civil rights and due process, undue humiliation and
stress, lost of current and future earnings, the Plaintiff hereby
Sues the defendants for 1.3 million U.S. dollars and/or/ anything
else deemed Just and Proper.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: 2/11/16

Tejpaul Rupnarine

Tejpaul Rupnarine
Signature of Plaintiff(s)
(all Plaintiffs must sign)

02/2010